



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Clarke

**Respondent:** Pace Machinery Limited

**Heard at:** Birmingham

**On:** 1 March 2019

**Before:** Employment Judge Flood (sitting alone)

**Representation**

Claimant: In person

Respondent: Did not attend

## JUDGMENT

The judgment of the Tribunal is that:

1. The respondent is ordered to pay the claimant a redundancy payment of **£4318**.
2. The Claimant is entitled to an extension of time under **s.23(2) to (4), of the Employment Rights Act 1996, Article 7 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 and regulation 30 (2) of the Working Time Regulations 1998 (as amended)** it not having been reasonably practicable for him to have issued his claims for unlawful deduction of wages, breach of contract and unpaid holiday pay in time, having nevertheless issued it within such further time as was reasonable in all of the circumstances.
3. The claimant's claim of breach of contract (notice pay) is well founded and succeeds. The claimant is awarded the sum of **£1622.04**.
4. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of **£5433.84**. This is made up of the sum of £3086.79 in respect of unpaid wages for May 2018 and £2347.05 unpaid wages for June 2018.
5. The claimant's complaint for accrued holiday pay is also well-founded and succeeds. The respondent is ordered to pay to the claimant the sum of **£997.28**.

6. The sums at paragraph 3-5 above are to be paid gross and the claimant is to be responsible for the payment of any income tax and National Insurance Contributions thereon.

Employment Judge Flood

Date: 1 March 2019

**Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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